

REMARKS

Claim Amendments

Claims 2, 7 and 19 have been amended to correct typographical and grammatical errors. No new matter has been introduced. Claims 27-44 have been canceled. System claims 45-66 have been added. New system claims 45-66 substantially correspond to method claims 1-26 except that they are directed to the systems for implementing the methods. Upon entry of this Amendment Response, claims 1-26 and 45-66 will be in the application.

Allowance of all pending claims is solicited in view of the following remarks.

Claim Objections

Claims 2 and 19 stand objected to for typographical errors. Claims 2 and 19 have been amended to correct the typographical errors, thereby obviating these objections. Withdrawal of the objections to claims 2 and 19 is solicited.

Claim Rejections - 35 USC § 103

Claims 1-26 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Kamper (US 6,654,797) in view of Linehan et al. (US 5,495,533). This rejection is respectfully traversed.

Kamper discloses a technique for configuring a server using a removable storage device. A boot-up sequence of the server is performed by uploading configuration data from the removable storage device, which may be a smart card, for example. The same removable storage device may be used to configure a plurality of servers. The stored configuration data may include, for example, the IP address of the server, the host name, the netmask, the gateway, domain and name server information for the server. Backup support for the disclosed servers is provided by storage units 106 and/or 122 (Figure 1). As acknowledged by the Examiner, Kamper does not disclose that the server is a key server or that the data stored on the server and the removable storage device is key data. For teachings of a key server and key data, the Examiner cites Linehan et al.

Linehan et al. disclose a Personal Key Server for managing keys for encrypting and decrypting stored data. The Personal Key Server may be replicated on multiple computers in order to improve operational stability (column 6, lines 45-50). Thus, the key data in the Linehan et al. system is stored within several computers, thus facilitating replication for

backup in the event of failure of one of the key servers. Also, Linehan et al. teach that the Personal Key Server may be restored from a backup tape in the event that the database needs to be updated (or restored).

Applicant respectfully submits that the rejection over Kamper and Linehan et al. cannot stand since the cited prior art does not, in any proposed combination, teach or suggest all of the claimed features of the invention as set forth in the independent claims and hence do not support a *prima facie* case of obviousness. In particular, both patent documents teach backing up a server (key or otherwise) in the traditional way – by storing a copy of the stored data on another storage unit, server, or backup tape. As noted in the background section of the present application (page 4, line 23 to page 5, line 9), the traditional approach is undesirable because of the cost of the backup storage unit and the difficulty of obtaining access while traveling (page 5, lines 10-21). Neither Kamper nor Linehan et al. address such problems with providing a cost-effective backup technique for a key server. In particular, neither Kamper nor Linehan et al. teaches “a plurality of portable data storage devices each having stored thereon secure electronic key data relating to a single authorized user” or the step of “copying from each of the plurality of portable data storage devices for storage in the key-server, secure electronic key data relating to the single authorized user” as set forth in claim 1. Similarly, neither Kamper nor Linehan et al. teaches “copying from the key-server to the portable data storage device, secure electronic key data relating to the authorized user for use by the specified authorized user in accessing data within the network” as claimed in claim 15.

Accordingly, even if the teachings of the Linehan et al. patent could have been combined with the teachings of the Kamper patent as the Examiner alleges, the claimed invention would not have resulted since all of the claimed features are not taught or suggested by the combination of references. Withdrawal of the rejection of claims 1-26 is respectfully requested.

Since neither Kamper nor Linehan et al. suggests a method of backing up or restoring data of a key-server as claimed, even if one skilled in the art would have been motivated to combine the teachings of the Kamper and Linehan et al. patents as the Examiner proposes, the claimed invention could not have resulted. As noted above, both references teach restoring or backing up the server data (key data or other data) using another storage unit or

server in the traditional sense. Neither patent teaches or suggests how a portable data storage device could be used for backing up or restoring the key data as claimed. Moreover, there is no specific teaching sufficient to motivate one skilled in the art to combine the teachings of Kamper and Linehan et al. to arrive at the claimed features as the Examiner proposes.

As set forth in M.P.E.P. §§2142-2143.03, in order to establish a *prima facie* case of obviousness, patent examiners are required to establish three criteria: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference, or combination of references, must teach or suggest all the claim limitations. The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. To make a proper obviousness determination, the examiner must “step backward in time and into the shoes worn by the hypothetical ‘person of ordinary skill in the art’ when the invention was unknown and just before it was made.” In view of the available factual information, the examiner must make a determination as to whether the claimed invention “as a whole” would have been obvious at that time to a person of ordinary skill in the art. Importantly, a rejection based on these criteria must be based on what is taught in the prior art, not the applicant’s disclosure. The applicant’s disclosure may not be used as a blueprint from which to construct an obviousness rejection.

Given that the Kamper and Linehan et al. patents taken separately or together do not teach or suggest all the claim limitations, the Examiner has not established a *prima facie* case of obviousness. Moreover, the Examiner has further failed to provide a *prima facie* case of obviousness with respect to claims 1 and 14 since the Examiner has not met his burden of providing a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the reference teachings. Instead, the Examiner makes an unsubstantiated claim that it would have been obvious to one of ordinary skill in the art to combine the “backup system” of Kamper with the key server taught by Linehan et al. “in order to improve operational reliability.” As noted above, the “backup system” of Kamper is also the conventional storage unit backup device that is not portable. Kamper teaches using a smart card to configure computers at start up – not to

restore key server data. Applicant submits that configuration data for configuring a computer is quite different than electronic key data used to encrypt/decrypt stored data. Thus, there is no reason to believe that one skilled in the art would ignore the explicit teaching of Kamper of using a storage unit to backup the server and to instead provide a copy of key data on the portable storage device to backup the server in the event that the server fails. Applicant submits that a *prima facie* case of obviousness requires more support than that offered by the Examiner. There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings as the Examiner proposes. The Examiner has provided no such evidence. This suggestion or motivation is particularly necessary when the reference is used in a way contrary to the specific teachings of the reference, as is the case with the proposed use of the teachings of Kamper.

In view of the above, if the Examiner elects to maintain the obviousness rejections of claims 1-26, the Examiner is strongly urged to clearly articulate the evidence of suggestions, motivations, or knowledge possessed by those skilled in the art that would have led one skilled in the art to combine the teachings of the cited references to arrive at the claimed invention. In the absence of the requisite teachings and motivations to combine teachings to establish *prima facie* obviousness, the rejections of claims any of pending claims 1-26 as being obvious over the Kamper and/or Linehan et al. patents is improper and withdrawal of the obviousness rejection is respectfully solicited.

New claims 45-66 are believed to be in condition for allowance for essentially the same reasons as given above with respect to claims 1-26. Allowance of new claims 45-66 is respectfully requested.


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Conclusions

In view of the above, Applicant submits that claims 1-26 and 45-66 are allowable over the art of record. Allowance of claims 1-26 and 45-66 and issuance of a Notice of Allowability are respectfully solicited.

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